REMARKS

In response to the Official Action of February 24, 2005, claims 2, 8, 12 and 13 have been amended in a manner which was discussed by applicant's attorney, Alfred A. Fressola, and Examiner Joshua Kading in telephone conversations on February 8, 2005 and February 10, 2005. Claims 12 and 13 have further been amended to more particularly point out and distinctly claim that which applicant regards as the invention. Furthermore, claim 11 is also amended herewith to correct an informality concerning the "another hierarchical level."

Referring now to the rejection of claims 9, 12 and 13 under 35 U.S.C. §102(e) in view of US patent 6,405,252, Gupta et al (hereinafter Gupta), it is respectfully requested that reconsideration of this rejection be made.

More particularly, Gupta is cited as anticipating claim 9 for the reasons set forth at page 5, line 26 through page 6, line 18. Specific reference in Gupta is made to column 6, lines 1-3, column 14, lines 43-48 and Figure 1. Gupta is directed to an integrated point of presence server network. This point of presence server network sends a configuration file to all servers down towards the edges of the network. There is no discussion in Gupta, including the passages cited by the Examiner, wherein it discusses or suggests the selective requesting of configuration information. Rather, the system disclosed in Gupta sends a configuration file to all servers in a list of servers and these servers in turn send the configuration file to another list of servers and so on. This is specifically recited at column 14, lines 43-48 wherein it states:

> "The configuration administration tool sends the global configuration file to servers
> in the network in a hierarchical fashion. A list of servers will get the configuration
> file and send it to another list of servers and so on. The list of servers to receive the
> configuration file and what servers they control is typically specified by the
> configuration file itself."

In distinction thereto, claim 9 is directed to a method for effecting changes into configuration information in an xDSL network that comprises network elements on certain hierarchical levels and a network managing station. In particular, it recites that at a certain first network element that is other than the network managing station and is located on a

certain first hierarchical level, can receive a command for changing a piece of configuration information that pertains to a second network element that is located on a certain second hierarchical level, which second hierarchical level is below the first hierarchical level in the xDSL network. Such receipt of a command from a second network element that is at a second hierarchical level below the first network element is nowhere disclosed or suggested in Gupta. Rather, in Gupta, the configuration administration tool sends from the upper hierarchical level to the lower hierarchical levels and to all servers in a list of servers, a configuration file which is then propagated down to other servers at lower levels depending upon their entry in a list of servers.

In Gupta, the only communication from the lower hierarchical level network element to the upper hierarchical network element is a confirmation that it has received the configuration file. There is no suggestion of the lower network element requesting configuration information from an upper hierarchical level network element.

There is also no specific disclosure in Gupta of the first network element at the first hierarchical level above the second hierarchical level storing said piece of configuration information at a configuration memory of the first network element in a form that results from executing the received command. Rather, Gupta is directed to a top down configuration file distribution system in which the configuration administration tool sends a global configuration file to servers in a list of servers in the network in a hierarchical fashion and only discloses the concept of receiving a confirmation from these receiving servers of their receipt of the configuration file before the configuration administration tool sends a command to tell those lower configuration servers to switch to use the received configuration file.

The system configuration file transfers in Gupta only happen at the management station (the Admintools software recited at column 14, lines 37-41).

It is respectfully submitted that such a method of distributing configuration files is unlike the method recited in claim 9. Furthermore, claim 9 is directed to receiving a command for changing a piece of configuration information, as well as storing said piece of configuration information at a configuration memory of the first network element in a form that results from executing the received command. Such configuration information does

not necessarily require receipt of a configuration file but may, in fact, be a piece of information in a configuration file.

The overall result of the present invention is a much more efficient use of network resources by not transmitting large amounts of configuration information that are embodied in an entire configuration file to all servers in a list of servers as required in Gupta. In fact, the present invention takes an entirely different approach in that configuration information is only acted upon when a server at a lower hierarchical level requests such information. Thus, the approach of the present invention is totally unlike the methodology disclosed in Gupta. It is therefore respectfully submitted that claim 9 is neither disclosed nor suggested by Gupta.

Claim 12 is also rejected as anticipated in view of Gupta. Claim 12 has been amended herein in a manner similar to the recitations recited in claim 9 with regard to receiving a command from at least one xDSL network element located at a lower hierarchical level in the xDSL network such that upon receipt of said command, the configuration information in said first network element is stored in a form that results from executing said command. For similar reasons as set forth above with regard to claim 9, claim 12 is therefore believed to be distinguished over Gupta.

Claim 13 is also rejected as anticipated by Gupta. Claim 13 has also been amended in a manner similar to the recitations recited in claim 9 and for similar reasons as set forth with regard to claim 9, it is respectfully submitted that the claimed xDSL network as recited in amended claim 13 is now distinguished over Gupta.

Referring now to the rejection of claims 7 and 10 under 35 U.S.C. §103, it is respectfully submitted that claim 7 is not suggested by US patent 6,185,612, Jensen et al (hereinafter Jensen), in view of the amendments contained herein. In particular, claim 7 has been amended to correct an error concerning which network element performs the second and third recited steps. It is now recited that the second network element decides whether it is appropriate to read configuration information requested in the request for configuration information from a configuration memory of the second network element and, in case it is decided to be appropriate, the requested configuration information is read from a configuration memory of the second network element. It is therefore submitted that the reasons the Examiner

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states regarding allowed claim 1 at page 11, lines 10-16, also apply to amended claim 7. Therefore, amended claim 7 is believed to be distinguished over Jensen.
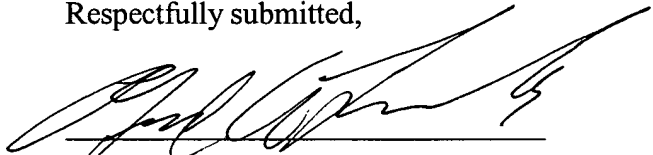
Claim 10 is rejected as obvious in view of Gupta further in view of applicant's admitted prior art (AAPA). Claim 10 is dependent from claim 9 and is therefore believed to be further distinguished over Gupta regardless of the AAPA recited in the specification at page 3, lines 1-9.

It is noted that claims 2-4, 6, 8 and 11, in addition to claim 1, are indicated as being allowable due to applicant's amendment of independent claims 2, 6, 8 and 11 to incorporate dependent claims that were objected to as allowable in the previous Office Action.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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